

In re: Elich et al.
Serial No.: 10/633,835
Page: Page 5 of 5

Remarks

This is in response to the Official Action of December 12, 2005.

In response to the restriction requirement set forth in paragraphs 1-2 of the Official Action, applicant hereby elects the claims of **Group I** (claims 1-13) for substantive examination.

The claims of Group II (claims 14-15) are cancelled herein, without prejudice to the filing of a divisional application thereon.

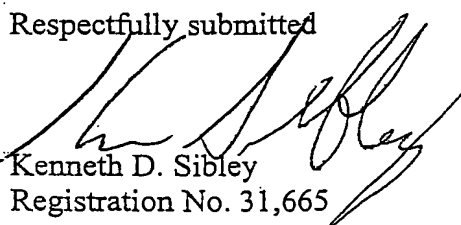
The restriction requirement as between group I and Groups III-VI is respectfully traversed. All claims of Groups III-VI depend, either directly or indirectly, from claim 1, such that no additional searching would be required to examine these claims together. In addition, the claims of groups III-IV are related to the claims of group I as methods of use of a claimed product, a reasonable number of which should be searched with the product claim. Accordingly, reconsideration of the restriction requirement with respect to groups III-VI is respectfully requested.

In response to the restriction requirement set forth in paragraph 3 of the Official Action, applicant hereby elects **SEQ ID NO: 2** for substantive examination. Claims 1-8 and 11-13 are readable upon the elected species. However, this restriction requirement is respectfully traversed. It is noted that applicants invention, as defined by generic claim 1, involves the deletion of a biotin binding and carboxy transferase domains, and not merely the discovery of a new Acetyl CoA carboxylase. While SEQ ID NO: 2 is one example of such a deletion, the invention is exemplified by other species, and these other species are "linked" by generic and "linking" claim 1. Hence, it is submitted that all should be examined together, and this rejection is respectfully traversed.

It is respectfully submitted that this application is in condition for substantive examination and allowance, which action is respectfully requested.

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer Number 20792

Respectfully submitted


Kenneth D. Sibley
Registration No. 31,665